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Secretary
U. S. Nuclear Regulatory Commission
ATTN: Rulemaking and Adjudications Staff
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Sir or Madam:

This is in response to your request for public comment published in the Federal Register Volume 67, No. 212/Friday, November 1, 2002/Proposed Rules, specifically 10 CFR Part 50, Docket No. PRM-50-79.

Comments to the Lawrence T. Christian, et. al.; Receipt of Petition for Rulemaking, specifically The Petitioners' Justification:

1. Establishment of Designated Relocation Centers – The petitioners correctly assert that relocation centers are currently required for all elementary, middle, and high school students. They further contend that it is vital that relocation centers be designated for preschoolers. While their position may be laudable it must be remembered that these preschools are private businesses whereas elementary, middle, and high schools are public institutions. Parents are legally required to send their children to public schools unless they opt to enroll them in private institutions. The use of private day care facilities is voluntary on the part of the parents. There is no legal requirement to send children to them. It is strictly a parental option. Forcing these private enterprises, by regulation, to meet the same standards as public schools could be construed as yet another intrusive, unfunded government mandate. This would be no different than changing regulations to force businesses, social organizations, and entertainment venues to designate relocation centers and develop plans and assets to transport their members there.
2. Provision of Designated Transportation; Creation of Working Rosters of Emergency Bus Drivers – The petitioners believe that nurseries and day care centers should be required to have designated busses or vans, drivers, and back-up drivers to transport children out of the EPZ in the event of an emergency. We agree that this is an excellent goal. However, this is an issue that would be better addressed by the parents instead of the NRC. Day care is an option for parents. They pay money for the service and therefore are in an excellent position to choose what is best for their own children. If they feel that a particular day care center or nursery does not meet the safety level they require for their children they have the option of taking their business elsewhere. This applies to any day care center or nursery in the country, including the unlicensed "mom and pop" types, that are found in places other than nuclear power plant EPZs.

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3. Use of Assigned and Installed, Approved Child-Safety Seats in the Evacuation of Preschoolers – The petitioners request that the NRC require that children under 50 pounds or 4' 9" in height attending day care centers and nurseries be placed in approved safety seats prior to evacuation. This is illogical in an emergency situation. Numerous kindergarten and early elementary students not meeting these dimensions are safely transported daily. Infants do present a challenge but concerned parents should insist that child care providers have methods in place to safely evacuate their children in any type of emergency. Car seat requirements will be waived in a bona fide emergency. No institution is going to sit still and do nothing while radiation, a chlorine cloud, tornado, or flood passes over them because they lack car seats. Again it is incumbent on concerned parents to ensure the people they voluntarily entrust their children to have the capability to properly keep them safe.
4. Notification to Emergency Management Officials; Annual Site Inspections; inclusion of Day Care Centers and Nursery Schools in Radiological Preparedness Exercises – FEMA-REP-14, dated September 1991, already allows for this if these private institutions agree to participate on a voluntary basis.
5. Use of Identification Cards, School Attendance Lists and Fingerprinting To Keep Track of Children During an Emergency Evacuation – The petitioners' discussion on this subject requires one to accept that parents are leaving their children with care providers who have no idea who they are or who they belong to. This is ludicrous and leaves one wondering how they manage to match the children to their proper parents when they pick them up at the end of the day. Public schools with much larger classes are able to keep track of all their students on a daily basis. Again parents are responsible for placing their children in the hands of care providers that meet their safety requirements.
6. Preparation of Educational Materials for the Parents of Preschoolers – This is a great idea but once again this should be based on the insistence of responsible parents and not the NRC.
7. Stocking KI Tablets and the Preparation of Relevant Educational Materials for the Parents of Preschoolers – This is strictly a parental matter and decision. Additionally there is not a "one size fits all" solution that the NRC could dictate. In states that have accepted KI for the general public the pills are available to parents for family members. Some states have opted to accept the KI and stockpile it rather than pre-distribute it. Others have opted not to accept it. Responsible parents are more capable of deciding what is best for their own children.
8. Radiological Emergency Preparedness Training for Employees of Day Care Centers and Nursery Schools – The petitioners do not specify exactly what type of radiological emergency preparedness training they want day care employees to have. General information found in all of the EPZ telephone books provides

guidance for sheltering and evacuation. It is the same information that is available to the entire general public. Any further training such as that provided to emergency responders would serve no purpose to child care providers because they do not use survey instruments and other detection devices.

9. Phone Listings for Designated Relocation Centers Assigned to Local Day Care Centers and Nursery Schools; Toll-free and 911 Information Lines – Once again this is an issue best resolved between the parents and the child care provider. These are questions any responsible parent should ask prior to placing their children into the business's care. It boggles the mind that a parent would instruct someone else to pick up their child and provide no instructions as to what to do if there is an emergency. The toll free and 911 information lines already exist. During any emergency in this state, affected 911 centers are fully manned and rumor control centers are activated.
10. Creation of Written Scripts for the Public Emergency Broadcast System Which Include Information About Emergency Plans and Designated Relocation Centers for Day Care Centers and Nursery Schools – This is a counterproductive request. Emergency Alert System (EAS) messages are limited to a two minute maximum length and it is voluntary for broadcasters to air them. It would be impossible to list emergency plan information and relocation centers in a message of this length. Parents should have already requested this information from their child care providers. Additionally, it would tend to weaken the importance of an EAS message and the preceding siren alert to use the system to distribute information to the general public that is already provided in telephone books and other brochures. There is no need to tell parents that their children have left their buildings. Evacuation means just that – everyone within the zone is to evacuate.
11. Specialized Evacuation Needs of Preschool-aged Children – The petitioner's points about the special needs of preschool aged children are accurate but are no different than the needs of other children this age in any type of evacuation. Being in the Emergency Planning Zone (EPZ) of a nuclear power plant does not make evacuation any tougher than evacuating infants and toddlers in the event of a chlorine leak or fast moving natural disaster. These children are at no more risk to radiation than any public school student within the EPZ. This is not something that needs addressed with another federal regulation. If truly concerned, parents should be capable of insisting institutions provide for these needs or take their business elsewhere.

The petitioners give the distinct impression that their goal here is to further anti-nuclear activism. They appear to be concerned only with day care centers and nurseries near nuclear power plants. There is no mention of centers located near chemical plants, transportation routes where hazardous materials are transported, or basic natural hazards that the entire nation is susceptible to on a daily basis. The use of phrases such as "... society as a whole has a moral obligation to make sure that every possible measure is in place to insure the safety and well-being of young

children," merely states the obvious and appears as an effort to inject raw emotion into the discussion.

As the rules exist now, any nursery or day care center may opt to participate in the Radiological Emergency Preparedness program on a voluntary basis. This is sufficient. Ultimately this boils down to a parental decision on what they consider to be a proper level of safety for their own children. This level is bound to vary between families and there is not a "one size fits all" regulation that the government can invent. Obviously the majority of people living in an EPZ are comfortable and feel secure or they would not continue to build, move, and live there. Parents have the option of if and where they send their children for care. It is they who should insist these providers have a viable "all hazards" plan for emergencies that may occur that would affect their children. Any day care center or nursery can get assistance from the county emergency management agency or the utility off-site planners.

We recommend that the petitioner's request be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl C. Kuehn, II".

Carl C. Kuehn, II
Acting Director

CCK/DRF/bea